

Applicant : Yulun Wang et al.
Serial No. : 10/722,837
Filed : November 26, 2003
Page : 5 of 8

Attorney's Docket No.: 11030-007004

REMARKS

Claims 1-20 were pending in the application and were rejected. Claims 3, 7-9, 16-18, and 20 have been canceled. Claims 1, 2, 4-6, 10-15, and 19 have been amended. New claim 21 has been added. Reconsideration of the rejected claims is respectfully requested in view of these amendments and the following remarks.

1. Response to Rejections under Section 112

Claims 1-4 were rejected under 35 U.S.C. § 112 as being indefinite.

The applicant has amended claims 1, 2, and 4, and respectfully submits that the amended claims meet the requirements of 35 U.S.C. § 112. The applicant has canceled claim 3, rendering the rejection of that claim moot.

2. Response to Rejections under Section 102

Claims 1, 3-5, 8-10, 12, 19, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,278,975 to Brandt et al. ("Brandt"). The applicant respectfully traverses the rejection.

As amended, claim 1 recites a device that includes an interface with an input channel that is configured to be coupled to a mechanical input device. The interface includes first and second output channels that are configured to be coupled to first and second surgical apparatus, respectively. The interface also includes a select channel that switches the input channel between the first output channel and the second output channel. The device includes a speech interface that is configured to receive voice commands and provide command signals to the select channel to control the switching thereof.

Brandt discloses a voice command and control system that can be interfaced with a piece of medical equipment which has instruments and control switches that can be controlled by electrical or electromagnetic signals. [Abstract] In Brandt, the voice command and control system converts verbal commands into digital control signals which are applied to the piece of medical equipment. [2:11-17] Brandt states that the voice command and control system is advantageous because it allows a surgeon to actuate appropriate buttons by using only his voice.

Applicant : Yulum Wang et al.
Serial No. : 10/722,837
Filed : November 26, 2003
Page : 6 of 8

Attorney's Docket No.: 11030-007004

[6:12-18] Without the system described in Brandt, the surgeon would instruct a nurse, who would then select and change parameters by pushing buttons on the piece of equipment.

[5:64-6:8]

As described in Brandt, without the voice command and control system, device selection and control are both performed mechanically (i.e., by pushing buttons). With the voice command and control system, the buttons on the piece of medical equipment are bypassed such that device selection and control are both performed by voice command. Brandt does not suggest or disclose a device that includes a speech interface configured to receive voice commands and provide command signals to a select channel of an interface that includes an input channel configured to be coupled to a mechanical input device. By suggesting that the surgeon use only his voice to control the piece of medical equipment and bypass the buttons, Brandt teaches away from the device recited in claim 1.

In addition, the applicant respectfully disagrees with the Examiner's assertion that Brandt discloses a first output channel connected to a first surgical apparatus and a second output channel coupled to a second surgical apparatus. The Examiner finds first and second output channels in electrical line 46, which the Examiner states is connected to vitrectomy cutter 32 and fragmentation handpiece 34. The applicant respectfully submits that as shown in Brandt in Fig. 2 and described at 5:12-25, electrical line 46 is connected only to fragmentation handpiece 34. Brandt therefore fails to disclose a first output channel configured to be coupled to a first surgical apparatus and a second output channel configured to be coupled to a second surgical apparatus.

For at least the foregoing reasons, claim 1 and claim 4, which depends from claim 1, are allowable over Brandt.

As amended, claim 5 recites a surgical system that includes an interface with an input channel that is coupled to a mechanical input device. The interface includes first and second output channels that are coupled to first and second surgical apparatus, respectively. The interface also includes a select channel that switches the input channel between the first output channel and the second output channel. The surgical system includes a speech interface that is configured to receive voice commands and provide command signals to the select channel to control the switching thereof.

Applicant : Yulun Wang et al.
Serial No. : 10/722,837
Filed : November 26, 2003
Page : 7 of 8

Attorney's Docket No.: 11030-007004

BEST AVAILABLE COPY

Claim 5 and claims 10 and 12, which depend from claim 5, are allowable over Brandt for at least the same reasons as claim 1.

As amended, claim 19 recites a method that includes providing an interface with an input channel that is coupled to a mechanical input device. The interface includes first and second output channels that are coupled to first and second surgical apparatus, respectively. The method includes switching the interface in response to a first voice command so that the input channel is coupled to the first output channel and the mechanical input device controls the first surgical device. The method also includes switching the interface in response to a second voice command so that the input channel is coupled to the second output channel and the mechanical input device controls the second surgical device.

Brandt does not suggest or disclose the steps of providing an interface with an input channel that is coupled to a mechanical input device, switching the interface in response to a first voice command so that the input channel is coupled to the first output channel and the mechanical input device controls the first surgical device, and switching the interface in response to a second voice command so that the input channel is coupled to the second output channel and the mechanical input device controls the second surgical device. For at least this reason, claim 19 is allowable over Brandt.

The applicant has canceled claims 3, 8-9, and 20, rendering the rejections of those claims moot.

3. Response to Rejections under Section 103

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of Wolf et al., "Student Reference Manual for Electronic Instrumentation Laboratories" ("Wolf"). The applicant respectfully traverses the rejection.

Claim 2 depends from claim 1 and is allowable for at least the same reasons.

Claims 6-7, 11, and 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of U.S. Patent 6,102,850 to Wang et al. ("Wang"). The applicant respectfully traverses the rejection.

The instant application and U.S. Patent 6,102,850 were, at the time the invention of the instant application was made, owned by or subject to an obligation of assignment to

Applicant : Yulun Wang et al.
Serial No. : 10/722,837
Filed : November 26, 2003
Page : 8 of 8

Attorney's Docket No.: 11030-007004

Computer Motion, Inc. Under 35 U.S.C. § 103(c), Wang cannot preclude patentability of the current application under 35 U.S.C. § 103(a). For at least this reason, claims 6-7, 11, and 1-18 are allowable.

4. New claim

New claim 21 recites a method which includes receiving an input from a mechanical input device, receiving a voice command, converting the voice command to a command signal, and switching, responsive to the command signal, the input to one of a first or second surgical apparatus such that the respective surgical apparatus is controlled by way of the mechanical input device.

Neither Brandt alone nor the combination of Brandt and Wolf suggests or discloses all of the limitations of new claim 21, and claim 21 is therefore allowable.

5. Conclusion

The applicant submits that all claims are in condition for allowance, and asks that all claims be allowed. Please charge \$200 for the excess claim fees and \$120 for the extension of time fee to Deposit Account No. 06-1050. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: February 22, 2005



Clinton J. Martin
Reg. No. 56,407

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50261823.doc